

PUBLIC SAFETY COMMITTEE MEETING MINUTES  
AUGUST 31, 2021

PUBLIC SAFETY COMMITTEE MEMBERS PRESENT: Ward, Hogan, Haff, Hicks, O'Brien, Clary

PUBLIC SAFETY COMMITTEE MEMBERS ABSENT: Rozell

SUPERVISORS: Hall, Henke, Campbell

Debra Prehoda, Clerk

Melissa Fitch, County Administrator

Roger Wickes, County Attorney

Al Nolette, County Treasurer

AGENDA AS PRESENTED IN COMMITTEE NOTICE:

1. Call to Order
2. Accept Minutes – July 27, 2021
3. Larry Paltrowitz, Esq – Union Negotiations Update
4. Department Reports/Requests:
  - A. Sheriff
    - 1) Budget Amendment – Inmate Medical Expenses
  - B. Public Defender
    - 1) Revenue/Funding/Grants/Update
    - 2) Staffing Updates
  - C. District Attorney
    - 1) Body Camera Update
    - 2) Increased Case Litigations
  - D. Probation
    - 1) Fair Update
4. Other Business
5. Adjournment

Chairman Ward called the meeting to order at 1:00 P.M.

A motion to accept the minutes of the July 27, 2021 meeting was moved by Mrs. Clary, seconded by Mr. Haff, and adopted.

DEPARTMENT REPORTS /REQUESTS:

SHERIFF – Budget Amendment – Inmate Medical Expenses – Sheriff will address next month.

PUBLIC DEFENDER – Michael Mercure, Director, addressed the following items with the committee:

- Staffing Updates – Successfully hired a new Attorney to backfill an Assistant Public Defender position; Kevin Bardin.
- Revenue Update – Year to date revenues received from ILS (Indigent Legal Services) and reimbursement for representation of State Prison inmates totals \$488,000.
- Grant – Requesting permission to apply for an ILS grant, the upstate family defense child welfare quality improvement and caseload reduction grant. \$2.5M is available with a maximum award of \$500,000 per county but there could be awards of less than that amount. He recommends applying for this grant and it would probably include hiring staff to submit an appropriate application. He would immediately schedule a meeting with the stakeholders involved in the Family Court setting, include some committee members, and discuss this matter with the County Attorney. He stated part of this is to fulfill the new standards of representation for Family Court representation and part of that includes pre-petition representation or investigatory representation. He recommends applying and would talk with the stakeholders before any application is submitted. The County Attorney stated there will be an unfunded part of that program, the County Attorney's Office. A motion to move forward

to investigate applying for the ILS grant was moved by Mrs. Clary, seconded by Mr. O'Brien, and adopted.

DISTRICT ATTORNEY – Christian Morris, Chief Assistant District Attorney, addressed the following item with the committee:

- Discovery – The office has done well to manage everything they could anticipate with the discovery process/procedures with the extra technology and the positions that they have but two things have come up in recent months that are impacting their time and demand on their staff, body cameras and increased litigation. Litigation has increased since 2020 when the Discovery laws went into effect. Now, there is a lot more material on these cases which is creating more issues to be litigated; increasing at every stage of the proceedings from the outset of the case, tried and convicted and post-conviction motions which they had not seen before and believes the trend will be increasing. The immediate issue is the discovery material that they have had anticipated the Sheriff's Department body cameras and the staff needed to review that footage but as of July 1, 2021, the State Police have rolled out body cameras on all their troopers which makes a dramatic change. They had 95.6 hours of footage in July over 33 cases and halfway through August they have had 15 cases and 40 hours of footage so the number of footage hours to cases is 3 hours on every State Police case to review. The State Police are 37% of their caseload volume which works out to about 528 cases per year and about 2.8 hours of body camera footage which equates to 1,478 hours per year or 5.6 hours per day of watching this footage. The footage is watched to make sure they have the evidence that is there, case integrity, they have to give notice of certain statements that are made, and look to see if there is any material that should be redacted and not provided. Because of the discover statutes they are required to turn over this material pretty quickly; i.e., 10 days to two weeks and in some instances sooner than that. This footage needs to be reviewed timely and is putting a crunch on the staff. Other agencies might begin to use body cameras further increasing their caseload; i.e., Hudson Falls PD is 20% of their caseload but no body cameras yet. They are looking to assess what their needs are for additional staff and do not know at this time if it will be another attorney or legal assistant but these numbers are on an increase and with the litigation, they are not going to be able to manage that. The attorneys are ultimately responsible for what is on those cameras and assess that in any event. A legal assistant can review the footage and point out sections for the attorney to review. The County Administrator stated once they determine the position needed then they should bring that request to the Personnel Officer. There has been some funding available from the State, earmarked \$193,000, but unknown if that is going to be every year consecutive; some of that funding was allocated to the towns. They have some recovery of the expense in the office due to the discovery statute. Chairman Ward asked that they should follow up with the committee once it is determined how they want to proceed.

PROBATION – Dan Boucher, Director, addressed the following item with the committee:

- Fair Update – The Probation Department collaborated with the Sheriff's Office to do a patrol that their department was primarily focused on sex offender attendance. In the past, they have done this for Halloween to ensure they are not giving out candy to kids in the community. This is the first year they have implemented this with the Sheriff's Department and presented this proposal to the Fair Board and received their approval. The fair having a primary entrance this year was very helpful verses multiple gates to monitor. They focused on high volume kid days and times. Eight Probation Officers participated. The Sheriff's Department would like this collaborated effort to continue next year and it is something that Probation can do within his budget by working in some flex time. The Director stated even

though they told certain people not to go there some still walked in the gate and had to be stopped. The gate attendants were great and those told to leave were refunded their money and all done in a respectful manner.

OTHER BUSINESS:

ALTERNATIVE SENTENCING – Mike Gray, Director, addressed the following items with the committee:

- Fair Update – Juvenile work program worked on garbage collection and adults did community service in the evening doing clean-up.
- Other activities this past month: finished up painting the Georgi Museum, continuing to maintain cemeteries, two more painting projects for the year and lawn and yard work in Easton. Throughout the winter will be painting the old St. Mary's school interior.
- E-TASC Program – Performance Based – On track for their revenue this year.

EXECUTIVE SESSION – Larry Paltrowitz, Esq. Union Negotiator. A motion to enter an executive session to discuss union negotiations was moved by Mr. O'Brien, seconded by Mrs. Clary, and adopted. A motion to return to regular session was moved by Mr. Hicks, seconded by Mr. Haff, and adopted.

Chairman Ward reported no action was taken in the executive session.

The meeting adjourned at 2:16 P.M.

*Debra Prehoda, Clerk*  
*Washington County Board of Supervisors*